

REMARKS

Applicant thanks the Examiner for his time in granting a telephonic interview on March 30th, 2009 with the undersigned representative to discuss the Notice of Non-Responsive Amendment mailed March 3rd, 2009 and the matters raised by the Examiner therein. This discussion is summarized below. Based on this discussion, supplemental amendments to the claims and specification are submitted herewith. In making these amendments, Applicant assumes that the amendments made in the Amendment and Response filed December 11th, 2008 have been entered by the Examiner. Amendments to the claims and specification are discussed below with regards to the matters raised by the Examiner in the Notice of Non-Responsive Amendment mailed March 3rd, 2009.

During the discussion, the undersigned representative and the Examiner discussed the Examiner's allegation of non-responsiveness due to claims that were drawn to an invention that was independent or distinct from the invention originally claimed. Specifically, the Examiner and the undersigned representative discussed the amendment to include additional limitations "plurality of specified threshold values" and "plurality of pre-defined distances" into independent claim 14. During this discussion, the undersigned representative put forth that the limitations "plurality of specified threshold values" and "plurality of pre-defined distances" were previously recited in cancelled claims 17 and 18 (*see* pgs. 4-5 of the Response/Amendment After Final and RCE filed March 24th, 2008), and therefore had previously been searched by the Examiner. As these limitations had previously

been searched by the Examiner (*see* pg. 11, of the Office Action dated June 11, 2008, “*The measure used is GDT TS, which is the average of four measures...*”), the undersigned representative put forth that there was no additional search burden associated with these limitations. Based on this discussion, the Examiner agreed to review the prosecution history in order to determine whether there was additional search burden associated with the limitations.

Specification support for the limitations “plurality of specified threshold values” and “plurality of pre-defined distances” was also discussed. During this discussion, the undersigned representative further put forth that the limitations “plurality of specified threshold values” and “plurality of pre-defined distances” were supported by the Specification (*see* pg. 12 of the Office Action Response filed March 24th, 2008 and pg. 13 of the Amendment and Response filed December 11th, 2008). Both the “plurality of specified threshold values” and “plurality of pre-defined distances” are described, for example, in paragraph [0042] of the instant Specification, “*LCS results are generated for a set of increasing RMSD cutoffs (1Å (Angstrom), 2 Å, and 5Å), and in the GDT analysis, two structures are scanned every 0.5 Å, starting from 0.5 Å up to a 10.0 Å distance cutoff*”)” and paragraph [0046] of the instant Specification, “*LCS_{vi} – percent of residues (continuous set) that can fit under an RMSD cutoff of vi Å (for vi = 1.0, 2.0 ...), and GDT_{vi}- an estimation of the percent of residues (largest set) that can fit under the distance cutoff of vi Å (for vi = 0.5, 1.0, ...). A scoring function (LGA_{vi}) can be defined as a combination of these values and can be used to evaluate the level of structure similarity of selected regions*).”

The Examiner and the undersigned representative further discussed the responses to the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a). The undersigned representative clarified that the rejection of claims 15-18 under 35 U.S.C. 102(b) had not been addressed because claims 15-18 are cancelled. The undersigned representative further clarified that the distinction of the amended claims over Cristobal was discussed in the response to rejection under 35 U.S.C. 103(a). Based on this discussion, the Examiner and the undersigned representative reached consensus that the Applicant addressed the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) made in the Office Action dated June 11th, 2008.

The Examiner and the undersigned representative further discussed the claimed subject matter in view of the 101 issues raised by the Examiner in the Notice of Non-Responsive Amendment. During this discussion, the Examiner provided guidance as to limitations which could be added to the claimed invention such that the claimed invention was “tied to a machine.” Claims 14 and 18 are presently amended according to the Examiner’s suggestions.

The Examiner and the undersigned representative further discussed the Amendment to the Specification. Based on this discussion, the undersigned representative agreed to eliminate references to internet executable code from the Specification. Accordingly, the Specification is presently amended to eliminate references to internet executable code.

If the Examiner has any questions concerning this Response, the Examiner is invited to telephone Applicants' representative at (415) 875-2413.

Respectfully submitted,
ADAM T. ZEMLA ET AL

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